

SUPPORTING STATEMENT

30 C.F.R. § 57.8525, Main Fan Maintenance Record (pertains to metal and nonmetal underground mines)

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

Title 30, Code of Federal Regulations, section 57.8525 (30 C.F.R. § 57.8525) requires that the main ventilation fans for an underground mine be maintained either according to manufacturers' recommendations or a written periodic schedule adopted by the mine operator. If the operator produces a mine-specific fan maintenance schedule, it must be made available for review by an Authorized Representative of the Secretary of Labor. The main fans are the major life support system to the entire underground mining operation. The air-flow provided by the fans assures fresh air to the miners at working faces, reduces the chance of the air reaching threshold limit values of airborne contaminants, and dilutes accumulations of possible explosive gases. A regular fan maintenance schedule is necessary to assure this uninterrupted and vital supply of air. The maintenance is normally scheduled as recommended by the fan manufacturers. The standard recognizes, however, that some installations may justify a more liberal schedule, others a more stringent schedule. Regardless of regularity, based on the loads of individual fans, the records assure compliance with the standard and may serve as a warning device for possible ventilation problems before they occur.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for new collections, indicate the actual use the agency has made of the information received from the current collection.

The information is maintained by the mine operator for his or her use. Ventilation personnel may use the information when called upon to solve a problem. MSHA uses the information to determine compliance with the standard.

3. Describe whether, and to what extent, the collection of information involves the

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use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

In order to comply with the federal Paperwork Reduction Act of 1995 (44 U.S.C. §3501), the Mine Safety and Health Administration permits mine operators to retain the main fan maintenance records in whatever method they choose, which may include utilizing computer technology.

No improved information technology has been identified that would reduce the burden.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in Item 2 above.

The ventilation at each mine is unique, therefore, there is no similar or duplicate information that could be used.

5. If the collection of information impacts small businesses or other small entities, describe the methods used to minimize burden.

The provisions of the Federal Mine Safety and Health Act of 1977 (Mine Act) and MSHA regulations and standards apply to all operations because accidents, injuries, and illnesses can occur at any mine regardless of size. Congress intended that the law be enforced at all mining operations within its jurisdiction regardless of size and that information collection and record-keeping requirements be consistent with efficient and effective enforcement of the Act. S. Rep. 181, 95th Cong., 1st Sess. 28 (1977). However, Congress did recognize that small operations would face problems in complying with some of the provisions of the Mine Act. Section 103(e) of the Mine Act directs the Secretary of Labor not to impose an unreasonable burden on small businesses in obtaining any information under the Act. Accordingly, MSHA takes this into consideration when developing regulatory requirements, and when appropriate and consistent with assuring the health and safety of this nation's miners, different requirements for small and large mines exist. To provide distinct information collection requirements for small mines in the regulation at hand, however, would not in our opinion promote the Act's objectives. This information collection does not have a significant economic impact on a substantial number of small entities.

6. Describe the consequence to Federal program or policy activities if the collection

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is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Procedures vary with fan installation. Many fans are monitored with 24 hour per day graphs which can be referred to for maintenance sufficiency. Actual maintenance performed is documented on operator provided forms and kept in mine record files. The record usually consists of a log in which notations are made of when and what maintenance is performed on the fan. Without this information MSHA would not be able to verify compliance with the standard.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the**

extent permitted by law.

Collection of information is done in a manner that is consistent with the guidelines contained in 5 C.F.R. § 1320.5.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 C.F.R. § 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to the comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

MSHA published a 60-day pre-clearance FEDERAL REGISTER notice on (February 7, 2003, (Vol. 68, No. 26, pgs. 6517-6518)), soliciting public comments regarding the extension of this information collection. The comment period closes on April 8, 2003.

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

MSHA has made no decision to provide any payment or gift to the respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

MSHA makes no assurances of privacy to mine operators regarding these records.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information,

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the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

As of October 1, 2002, there were approximately 222 underground metal and nonmetal mines. About 58 of these mines rely on natural ventilation for air movement and, therefore, have no fans. MSHA's technical staff estimates that the remaining 164 mines have an average of 1.5 main fans each, for a total of 246 main fans which must be maintained according to either the manufacturer's recommendations or a written periodic schedule adopted by the mine operator. Based upon the on-site experience of MSHA's technical staff, it is estimated that at least 90% of these fans are maintained according to the manufacturer's recommendations. The remaining 25 fans are maintained according to written periodic schedules adopted by mine operators and are reviewed annually by MSHA. MSHA's technical staff further estimates that written maintenance schedules would need to be developed or revised for about one-third or

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eight of these fans each year.

Based on information obtained from the U.S. Metal & Industrial Mineral Mine Salaries, Wages, & Benefits - 2001 Survey Results, MSHA's technical staff estimate that it takes a mine maintenance supervisor earning \$44.93 per hour about one hour to develop or revise a written periodic maintenance schedule for a main fan, and a clerical person earning \$18.44 about 0.5 hours to type, copy, and distribute the schedule. Accordingly, the hour burden and hour burden cost are as follows:

Hour Burden

8 schedules per year x 1.5 hours per schedule = **12 hours**

Hour Burden Cost

8 schedules per year x 1.0 hour per schedule
Schedule x \$44.93 per hour = \$ 359

8 schedules per year x 0.5 hour per schedule
Schedule x \$18.44 per hour = \$ 74
\$ 433

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates,

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agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There is no annual cost burden to respondents or record keepers resulting from this collection of information.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

No federal inspection costs have been associated specifically for this information collection. The review and inspection of main fan maintenance records is just one aspect of mine's inspection. Complete inspections of all mines are required under Section 103(a) of the Mine Act. Inspections are required four times a year for underground mines and twice a year for surface operations. The average time required to finish a complete inspection is as follows:

Metal underground mine: 46.4 hours

Metal surface operation: 18.7 hours

The average grade and salary of a federal mine inspector is GS 12/5, at \$56,619 per annum or \$27.13 (\$27) per hour. That 2002 salary does not factor in locality pay.

$(46.4 \text{ hours} \times \$27) + (18.7 \text{ hours} \times \$27) = \$1,758$

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

Respondents: There is an increase of 4 Respondents (21 to 25).

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Responses: There is an increase of 1 Response (7 to 8).

Hours: There is a 1hour increase in Hours (11 to 12).

Cost: There has been no change in Costs.

The increases are due to an increase in the number of mining operations that develop new written periodic schedules in lieu of using the manufacturer's schedules. The number of mine operators deciding to follow the written periodic schedules adopted by mine operators increased, particularly since many of the fans are monitored with a 24 hour per day graph which can be kept by the operator and shown to MSHA inspectors as proof of compliance.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The results of this information collection are not scheduled for publication.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

There are no forms associated with this collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no certification exceptions identified with this information collection.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

1. Describe (including numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.

The collection of this information does not employ statistical methods.

2. Describe the procedures for the collection of information including:

- Statistical methodology for stratification and sample selection,
- Estimation procedure,
- Degree of accuracy needed for the purpose described in the justification,
- Unusual problems requiring specialized sampling procedures, and
- Any use of periodic (less frequently than annual) data collection cycles to reduce burden.

3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to be adequate for intended uses. For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.

4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of tests may be submitted for approval separately or in combination with the main collection of information.

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5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.